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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20

Application Number: 09/663,354
Filing Date: September 15, 2000
Appellant(s): MISAWA, ATSUSHI

Michael K. Mutter
For Appellant

EXAMINER'S ANSWER

MAILED
APR 22 2004
Technology Center 2600

This is in response to the appeal brief filed 02/10/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 6-15 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

4,887,161	WATANABE et al.	12-1989
5,016,107	SASSON et al.	05-1991
5,648,816	WAKUI	7-1997

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 6, 7, 9 and 13-15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sasson '107 in view of Wakui '816. Claims 8, 10, 11 and 12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sasson '107 in view of Wakui '816, and further in view of Watanabe '161. This rejection is set forth in prior Office Action, Paper No. 15.

(11) Response to Argument

a. On pages 8 and 9 of the Brief, the Appellant disagrees that Sasson fails to teach or suggest transferring image data from said built-in memory to said detachable memory card upon detecting the mount of the memory card. The Examiner respectfully disagrees. In column 5 lines 39-56, Sasson teaches that the connector (26), which is connected to the digital signal processor (22), is queried for the presence of a detachable memory card 24. In column 6 line 52 to column 7 line 16, Sasson teaches that the uncompressed video data stored in the image buffer (18) is compressed by the digital signal processor (22) and transferred to the detachable memory card 24. In the embodiment as shown in figure 3 in which an image buffer (39) combines the function of the image buffer (18) and the processing buffer (28), Sasson teaches that the compressed image data is directly written into the detachable memory card (24) (see column 7 lines 30-50; column 8 lines 37-41).

b. On pages 9, 10, 11 and 13 of the Brief, the Appellant further disagrees that there is no teaching or suggestion in Wakui that the digital image signal stored in the image memory (7) are automatically transferred to the memory card (31) when the memory card (31) is correctly connected to the camera. The Examiner respectfully disagrees. In column 5 line 42 to column 6 line 4, Wakui teaches a memory card detecting circuit (16), which detects the loading of the detachable IC memory card (31). Wakui further teaches in column 19 lines 16-47 a card insertion interruption operation, which is performed when the detachable IC memory card (31) is inserted into the loading portion of the electronic camera. In column 19, lines 57-64, Wakui teaches that the digital image signal stored in the image memory (7) is automatically transferred

to the detachable IC memory card (31) when the memory card (31) is properly connected to the camera loading portion.

c. In response to the Appellant's argument that there is no motivation to combine the references by considering the nature of the problem to be solved (page 14 of the Brief), the Examiner notes that motivation may come from the references themselves, or in the knowledge generally available to one of ordinary skill in the art, or both. It is noted that what would have been obvious to one of ordinary skill in the art is determined in view of the sum of all the relevant teachings in the art, not in view of the first one and then another of the isolated teachings in the art. In light of the teaching in the Sasson reference that it is desirable to unload the image buffer (18) and freeing memory space for a new frame (see column 3 line 68 – column 4 line 3), and Wakui teaches the advantage of automatically transferring images stored in the image memory (7) upon the insertion of the detachable memory card (31) (see column 19 lines 58-64), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate into the electronic camera of Sasson the teaching disclosed in Wakui of automatically transferring the image data from the built-in memory to the detachable memory card upon the detection of the insertion of the memory card in order to free up memory space in the built-in memory for new image frames.

d. In response to the Appellant's argument that no motivation can be found in the teachings of the prior art (page 14 of the Brief), the Examiner notes that motivation may come from the references themselves, or in the knowledge generally available to one of ordinary skill in the art, or both. It is noted that what would have been obvious to one of ordinary skill in the art is determined in view of the sum of all the relevant teachings in the art, not in view of the first

one and then another of the isolated teachings in the art. In light of the teaching in the Sasson reference that it is desirable to unload the image buffer (18) and freeing memory space for a new frame (see column 3 line 68 – column 4 line 3), and Wakui teaches the advantage of automatically transferring images stored in the image memory (7) upon the insertion of the detachable memory card (31) (see column 19 lines 58-64), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate into the electronic camera of Sasson the teaching disclosed in Wakui of automatically transferring the image data from the built-in memory to the detachable memory card upon the detection of the insertion of the memory card in order to free up memory space in the built-in memory for new image frames.

e. On page 15 of the Brief, the Appellant argues that there is no teaching in Sasson that provides for photographing operations to be performed without the memory card in place. The Appellant further argues that there is no indication that the image buffer 18 is to be used as a “built-in memory” for use without the memory card being inserted in the camera. The Appellant further argues that since the purpose of providing for image buffer 18 is to allow for continuous shooting capability of a successive sequence of image, the Appellant disagrees that such a modification would have been obvious as the camera of Sasson would not operate without the insertion of the memory card. The Examiner respectfully disagrees. Sasson teaches that the digital signals captured by the electronic camera are applied to the image buffer (18), which is a random access memory (RAM) with storage capacity for a plurality of still images (see column 2 lines 59-65; column 3 lines 60-62; column 4 lines 4-19). In light of the teaching in Sasson, it is inherent that the electronic camera taught in Sasson can continuously capture a plurality of

images and store the images in the image buffer (18) without the insertion of the detachable memory card 24.

f. On page 16 of the Brief, the Appellant argues that there is no indication that the image memory (7) taught in Wakui is to be used as a built-in memory for use without the detachable memory being inserted in the camera. The Examiner has never alleged the teaching that the image memory (7) taught in Wakui is to be used as a built-in memory for use without the detachable memory being inserted in the camera. The Examiner has relied on the image buffer (18) taught in the Sasson reference for that teaching. The Wakui reference is used for the purpose of providing a teaching of automatically transferring the image data from the built-in memory to the detachable memory card upon the detection of said insertion. One cannot show nonobviousness by attacking the reference individually where the rejections are based on combinations of references.

g. In response to the Appellant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (pages 16 and 17 of the Brief), it is not improper hindsight if the references are combined for reasons deduced from the references themselves, or in the knowledge generally available to one of ordinary skill in the art, or both. It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

h. On pages 18, 19 and 21 of the Brief, the Appellant argues that there is no teaching or suggestion in Sasson that the detachable memory card is mainly for attachment when the digital camera is not being used to capture images and normally detached when the digital camera is being used to capture images. The Examiner respectfully disagrees. Sasson teaches that the digital signals captured by the electronic camera are applied to the image buffer (18), which is a random access memory (RAM) with storage capacity for a plurality of still images (see column 2 lines 59-65; column 3 lines 60-62; column 4 lines 4-19). In light of the teaching in Sasson, it is inherent that the electronic camera taught in Sasson can continuously capture a plurality of images and store the images in the image buffer (18) without the insertion of the detachable memory card 24. The SRAM memory card (24) is used to store many compressed image signals (see column 2 line 65 – column 3 line 3; column 6 line 66 – column 7 line 16).

i. On pages 21-25 of the Brief, in response to the Appellant's arguments that the rejection fails to establish Prima Facie Obviousness of claims 14 and 15, please notes the Examiner's responses in paragraphs a-d.

j. On pages 27 and 28 of the Brief, the Appellant argues that none of the references cited by the Examiner teach or suggest "wherein said camera body, in an insertional direction of said detachable memory card, is shorter than said detachable memory card in the insertional direction of said detachable memory card." The Examiner respectfully disagrees. Watanabe '161 teaches a digital electronic camera (10) having a detachable memory cartridge (20) for storing image data captured by the electronic camera (see figures 1, 2, 5 and 6). For the purpose of providing a light and simple apparatus, Watanabe further teaches that the memory cartridge is also provided with an image data playback function including a liquid crystal display device (24)

(see column 2 line 15-21, lines 34-61). Watanabe further teaches that it is desirable to freely load and unloaded the detachable memory cartridge, and displaying desirable images on the memory cartridge (see column 1 lines 14-21, lines 49-56; column 3 lines 20-41; column 4 line 57-65; column 5 lines 31-38; column 6 lines 10-18; column 7 lines 12-16; column 8 lines 28-33).

In light of the teaching in Watanabe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that it is advantageously having the camera body shorter than said detachable memory card in the insertional direction of said detachable memory card in order to facilitate the loading/unloading of the memory card while providing a larger liquid crystal display device to help the operator in observing the displayed images.

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate into the electronic camera of Sasson and Wakui the teaching disclosed in Watanabe of having a camera body shorter than the detachable memory card in the insertional direction of the detachable memory card in order to facilitate the loading/unloading of the memory card while providing a larger liquid crystal display device to help the operator in observing the displayed images.


k. On pages 29 and 30 of the Brief, the Appellant argues that none of the references cited by the Examiner teach or suggest “wherein when said detachable memory card is inserted into the insertion slot, more than 1/3 of said detachable memory card is exposed in an insertional direction of said detachable memory card.” The Examiner respectfully disagrees. Watanabe ‘161 teaches a digital electronic camera (10) having a detachable memory cartridge (20) for storing image data captured by the electronic camera (see figures 1, 2, 5 and 6). Watanabe further teaches that it is desirable to freely load and unloaded the detachable memory cartridge, and displaying desirable images on the memory cartridge (see column 1 lines 14-21, lines 49-56;

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
column 3 lines 20-41; column 4 line 57-65; column 5 lines 31-38; column 6 lines 10-18; column 7 lines 12-16; column 8 lines 28-33). In light of the teaching in Watanabe, it would have been obvious to one of ordinary skill in the art to incorporate into the electronic camera of Sasson and Wakui the teaching disclosed in Watanabe of having more than 1/3 of the detachable memory card exposed in an insertional direction of said detachable memory in order to facilitate the loading/unloading of the memory card while providing a liquid crystal display device to help the operator in observing the displayed images.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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NYV
April 16, 2004

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